

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

HARRY L.,

Plaintiff,

v.

**6:18-CV-282
(FJS/ATB)**

**ANDREW SAUL, Commissioner of Social
Security,**

Defendant.

APPEARANCES

OF COUNSEL

EMPIRE JUSTICE CENTER
119 Washington Avenue, 3rd Floor
Albany, New York 12210
Attorneys for Plaintiff

SAIMA A. AKHTAR, ESQ.

**SOCIAL SECURITY ADMINISTRATION
OFFICE OF GENERAL COUNSEL**
15 Sudbury Street
Boston, Massachusetts 02203
Attorneys for Defendant

DANIEL STICE TARABELLI, SAUSA

SCULLIN, Senior Judge

ORDER

Pending before the Court is Magistrate Judge Baxter's August 5, 2019 Report-Recommendation, *see* Dkt. No. 29, to which the parties have filed no objections.

"When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice." *Young v. Polizzi*, No. 9:16-CV-660, 2018 WL 3949942, *1 (N.D.N.Y. Aug. 16, 2018) (quoting *Ward v. Lee*, No. 9:16-CV-1224, 2018 WL 3574872, *1 (N.D.N.Y. July 25, 2018) (citation omitted)). "After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations

made by the Magistrate judge. "" *Id.* (quotation omitted).

The Court has reviewed Magistrate Judge Baxter's August 5, 2019 Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Baxter's August 5, 2019 Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further


ORDERS that the Commissioner's decision is **REVERSED** and this case is **REMANDED** for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g), consistent with Magistrate Judge Baxter's Report-Recommendation, including a proper severity analysis, together with a proper analysis of Listing 12.05, and, if the determination proceeds after step three, a proper RFC determination, and a proper step five determination, including obtaining the testimony of a Vocational Expert if appropriate; and the Court further

ORDERS that the Commissioner shall conduct and complete remand proceedings within 120 days from the date of this Order; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Plaintiff and close this case.

IT IS SO ORDERED.

Dated: August 20, 2019
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge